

03 - 20 - 01 #71AA
2-26-02 M.L.
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. A-59891-2/RFT/JJD

1046 U.S. PTO
03/19/01
Anticipated Classification of this Application:

Class: Unknown Subclass: Unknown

Prior Application

Examiner: D. Fitzgerald
Art Unit: 1647

"EXPRESS MAIL" MAILING LABEL

NUMBER EL 659 498 485 US

DATE OF DEPOSIT March 19, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

TYPED NAME Vincent Diaz

SIGNED

Vincent M. Diaz

Box PATENT APPLICATION

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a request for filing an

- ☐ Original
☒ Continuation
☐ Divisional
☐ Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of

Henry A. Lester, Nathan Dascal, Nancy F. Lim, Wolfgang Schreibmayer, Norman Davidson
(Names of ALL Applicants)

for INWARD RECTIFIER, G-PROTEIN ACTIVATED, MAMMALIAN, POTASSIUM KGA CHANNEL AND USES THEREOF
(Title of Invention)

This ☒ continuation ☐ divisional ☐ continuation-in-part
claims priority to pending application Serial No. 09/042,494, filed on March 16, 1998 as a continuation to Serial No. 08/066,371, filed May 21, 1993, now Patent No. 5,747,278 issued May 5, 1998.

1. (a) ☐ Enclosed is a new application.
(b) ☒ Enclosed is a continuation application.
(c) ☐ Enclosed is a copy of the prior application.
2. (a) ☐ Enclosed is a new Declaration.
(b) ☒ Enclosed is a copy of the prior Declaration as originally filed.
3. (a) ☐ Enclosed is a Small Entity Affidavit.
(b) ☐ A Small Entity Affidavit is of record in the prior application.
4. ☐ The filing fee is calculated below:

Claims as filed in the prior application, less any claims canceled by amendment below:

	(Col. 1) NO. FILED	(Col. 2) NO. EXTRA	SMALL ENTITY		OTHER THAN SMALL ENTITY	
			RATE	FEE	RATE	FEE
BASIC FEE				\$355		\$710
TOTAL CLAIMS	- 20 =	*	x 9 =	\$	x 18 =	\$
INDEP CLAIMS	- 3 =	*	x 40 =	\$	x 80 =	\$
MULTIPLE DEPENDENT CLAIM PRESENTED	yes no		+135 =	\$	+270 =	\$
If the difference in Col 1 is less than zero, enter "0" in Col. 2			TOTAL	\$	TOTAL	\$

5. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Order No. _____).

6. ☐ Our check in the amount of \$ _____ is enclosed.
☒ The filing fee is NOT being submitted with this transmittal letter.

7. ☒ Cancel in this application original claims 2, 12 and 14-38 of the prior application before calculating the filing fee.
(At least one independent claim must be retained for filing purposes.)

8. ☒ Amend the specification by inserting before the first line the sentence:

-This is a ☒ continuation ☐ divisional ☐ continuation-in-part

AI application of Serial No. 09/042,494, filed on March 16, 1998, which is a continuation of Serial No. 08/066,371, filed May 21, 1993, now Patent No. 5,747,278 issued May 5, 1998.-

9. (a) ☐ Informal drawings are enclosed.
(b) ☒ 9 pages of formal drawings are enclosed.

10. (a) ☐ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.
(b) ☐ The certified copy has been filed in prior application Serial No. _____ filed on _____.

11. ☒ The prior application is assigned of record to California Institute of Technology

12. ☒ The power of attorney in the prior application is to:

Name: Richard F. Trecartin, Esq., et al.
Flehr Hohbach Test Albritton & Herbert LLP
Address: Four Embarcadero Center - Suite 3400
San Francisco, California 94111-4187

- (a) ☒ The power appears in the original papers in the prior application.
(b) ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
(c) ☐ A new power has been executed and is enclosed.
(d) ☐ Address all future communications to:

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Four Embarcadero Center - Suite 3400
San Francisco, California 94111-4187
Tel.: (415) 781-1989
Fax: (415) 398-3249

13. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

14. ☒ I hereby verify that the attached papers are a true duplicate of prior application Serial No. 09,042,494 as originally filed on March 16, 1998.

Date: March 19, 2001

Signature: _____

James J. Diehl
James J. Diehl, Reg. No. P-47-527
for Richard F. Trecartin, Reg. No. 31,801

Address of Signer:

FLEHR HOHBACH TEST
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1046516

☒ Attorney or agent of record

☐ Filed under Section 1.34(a)